

# **Exhibit 1**

# Application Notice

Case 1:18-md-02865-LAK

Document 337-2

Filed 05/15/20

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- You must complete Parts A and B, and Part C if applicable
- Send any relevant fee and the completed application notice to the court with any draft order, witness statement or other evidence
- It is for you (and not the court) to serve this application notice

You should provide this information for listing the application			
Time estimate	2 days	(hours)	(mins)
Is this agreed by all parties? Yes [ ] No [✓]			
Please always refer to the Commercial Court Guide for details of how applications should be prepared and will be heard, or in a small number of exceptional cases can be dealt with on paper.			

## Part A

In the High Court of Justice Business and Property Courts Commercial Court (Queen's Bench Division) Royal Courts of Justice	
Claim No.	15 May 2020
Warrant no. (if applicable)	
Claimant(s) (including ref.)	Skatteforvaltningen Danish Customs and Tax Administration) (Ref: AJH/668205-07000)
Defendant(s) (including ref.)	(69) ED&F Man Capital Markets Limited (Ref: JBN/TOS/CHW/EDF/1/57)
Date	14 May 2020

1. Where there is more than one claimant or defendant, specify which claimant or defendant

The 69<sup>th</sup> Defendant (“ED&F Man”) to claim number CL-2018-000297

2. State clearly what order you are seeking (if there is room) or otherwise refer to a draft order (which must be attached)

intends to apply for an order (a draft of which is attached) pursuant to CPR 31.19(5) seeking the following relief:

1. a declaration that the categories of document identified in ED&F Man’s list of documents dated 14 May 2020 (the “**Relevant Documents**”) are covered by litigation privilege; and
2. a declaration that ED&F Man has a right to withhold inspection of the Relevant Documents in the consolidated proceedings comprising claim numbers CL-2018-000297, CL-2018-000404 and CL-2018-000590.

3. Briefly set out why you are seeking the order. Identify any rule or statutory provision

because <sup>(3)</sup> of the reasons set out in the attached Witness Statement of Anthony Steven Field dated 14 May 2020

The court office at the Admiralty and Commercial Registry, The Rolls Building, 7 Rolls Building, Fetter Lane, London, EC2A 1NL is open from 10am to 4.30pm Monday to Friday. When corresponding with the court please address forms or letters to the Clerk to the Commercial Court and quote the claim number.

**Part B**

The 69<sup>th</sup> defendant <sup>(1)</sup> wishes to rely on the attached witness statement

**Signed**


(Applicant)(’s legal representative)

**Position or  
office held**(if signing on  
behalf of firm,  
company or  
corporation)

Director, Rosenblatt Limited

Address to which documents about this claim should be sent (including reference if appropriate)<sup>(4)</sup>

4. If you are not  
already a party to  
the proceedings,  
you must provide  
an address for  
service of  
documents

Rosenblatt Limited 9-13 St Andrew Street London		if applicable	
		Tel no.	020 7955 0880
		Fax no.	020 7955 0888
		DX no.	DX LDE 493
Postcode	EC4A 3AF	e-mail	

Claim  
No.

## Part C

(Note: Part C should only be used where it is convenient to enter here the evidence in support of the application, rather than to use witness statements or affidavits)

ED&F Man wishes to rely on the following evidence in support of this application:

The Confidential Witness Statement of Anthony Steven Field dated 14 May 2020.

### Statement of Truth

\*(I believe)(The applicant believes) that the facts stated in this application notice are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

\*I am duly authorised by the applicant to sign this statement

Full name.....

Name of \*(Applicant)(’s litigation friend)(’s legal representative)

.....

**Signed**

\*(Applicant)(’s legal representative)

**Position or  
office held**

(If signing on  
behalf of firm,  
company or  
corporation)

*\*delete as appropriate*

**Date**

# Application Notice

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- You must complete Parts A and B, and Part C if applicable
- Send any relevant fee and the completed application notice to the court with any draft order, witness statement or other evidence
- It is for you (and not the court) to serve this application notice

You should provide this information for listing the application			
Time estimate	On Paper	1 (hours)	(mins)
Is this agreed by all parties? Yes [ ] No [✓]			
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## Part A

In the High Court of Justice Business and Property Courts Commercial Court (Queen's Bench Division) Royal Courts of Justice	
Claim No.	15 May 2020
Warrant no. (if applicable)	
Claimant(s) (including ref.)	Skatteforvaltningen Danish Customs and Tax Administration) (Ref: AJH/668205-07000)
Defendant(s) (including ref.)	(69) ED&F Man Capital Markets Limited (Ref: JBN/TOS/CHW/EDF/1/57)
Date	14 May 2020

1. Where there is more than one claimant or defendant, specify which claimant or defendant

The 69<sup>th</sup> Defendant (“ED&F Man”) to claim number CL-2018-000297

2. State clearly what order you are seeking (if there is room) or otherwise refer to a draft order (which must be attached)

intends to apply for an order (a draft of which is attached) pursuant to CPR 5.4B(1), CPR 5.4C(4) and CPR 39.2(1) seeking the following orders:

1. an order that the court file relating to ED&F Man’s application pursuant to CPR 31.19(5) dated 14 May 2020 (the “**CPR 31.19(5) Application**”) in the consolidated proceedings (comprising claim numbers CL-2018-000297, CL-2018-000404, CL-2018-000590 and CL-2019-000487) (the “**Consolidated Proceedings**”) be sealed;
2. an order that without the permission of the Court no party to the Consolidated Proceedings and no non-party may obtain a copy from the records of the court of any documents filed in relation to the CPR 31.19(5) Application (including the documents listed under Practice Direction 5A paragraph 4.2A);
3. an order that the hearing of the CPR 31.19(5) Application take place in private; and

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N244 (CC) Application Notice (04.14)

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4. such further orders as are necessary to protect the confidentiality of the matters referred to in the CPR 31.19(5) Application


3. Briefly set out why you are seeking the order. Identify any rule or statutory provision

because <sup>(3)</sup> the CPR 31.19(5) Application involves confidential information and documents and publication and/or dissemination of the same beyond the parties to the Application (with appropriate mechanisms in place for preserving confidentiality) is unnecessary and would damage that confidentiality for the reasons set out in Part C

## Part B

The 69<sup>th</sup> defendant <sup>(1)</sup> wishes to rely on the attached witness statement

**Signed**



(Applicant)(’s legal representative)

**Position or office held**

(if signing on behalf of firm, company or corporation)

Director, Rosenblatt Limited

Address to which documents about this claim should be sent (including reference if appropriate)<sup>(4)</sup>

4. If you are not already a party to the proceedings, you must provide an address for service of documents

Rosenblatt Limited 9-13 St Andrew Street London		if applicable	
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		Fax no.	020 7955 0888
		DX no.	DX LDE 493
Postcode	EC4A 3AF	e-mail	

Claim  
No.

## Part C

**(Note: Part C should only be used where it is convenient to enter here the evidence in support of the application, rather than to use witness statements or affidavits)**

ED&F Man wishes to rely on the following evidence in support of this application:

- (1) Rosenblatt's letter to the Court dated 14 May 2020
- (2) The Confidential Witness Statement of Anthony Steven Field dated 14 May 2020.

### Statement of Truth

\*(I believe)(The applicant believes) that the facts stated in this application notice are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

\*I am duly authorised by the applicant to sign this statement

Full name.....

Name of \*(Applicant)(’s litigation friend)(’s legal representative)

.....

**Signed**

\*(Applicant)(’s legal representative)

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office held**

(If signing on  
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*\*delete as appropriate*

**Date**